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OFFICE OF PETITIONS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alberto Alvarez-Calderon F. Group Art Unit: 3617  
Serial N<sup>o</sup>: 09/672,190 Examiner: E. Swinehart  
Filed: September 28, 2000 Attorney Docket N<sup>o</sup>: 1186-001  
For: TRANSONIC HULL AND HYDROFIELD II

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION  
UNDER 37 C.F.R. § 1.137(b)**

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to revive the above-entitled patent application.

Abandonment occurred by applicant's failure to properly submit the Request for Continued Examination which was submitted on January 27, 2004 in response to the Notice of Refusal to Enter New Amendment sent from the Patent Office on December 1, 2003.

The Commissioner is hereby informed that the abandonment of the above application was unintentional. Applicant submitted a Request for Continued Examination on January 27, 2004 and did not realize that the rejection of the submitted Amendment also resulted in abandonment of the application. Applicant's attorney first became aware of the mistake when the Notice of Improper Request for Continued Examination was received on or about February 25, 2004 from Examiner Swinehart. Applicant's attorney communicated this new information to applicant, who travels extensively between Peru and the United States. Communication between Applicant and Applicant's attorney is sporadic at best, and thus this Petition is being filed at the earliest date that funds and arrangements could be made to support this filing, and as such the entire delay in filing the Petition is unintentional. In support of that statement, Applicant would respectfully direct the Commissioner's attention to the file wrapper, which clearly details the numerous extensions and late filings which have been required during the prosecution of this application. Applicant thus

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665.00 OP

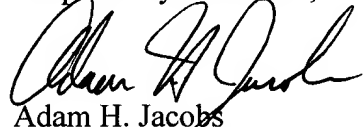
01 FC:2453

1 respectfully requests that the present petition be accepted and granted in order to reopen and continue  
2 prosecution of the instant application.

3 It is respectfully requested by Applicant that the previously submitted RCE and  
4 accompanying fee be applied to the instant application once the Petition to Revive is hopefully  
5 granted. Applicant's attorney will gladly provide any assistance necessary to remedy this situation,  
6 and he may be reached at the address and telephone numbers shown below.

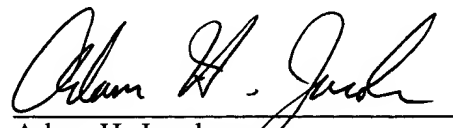
7 Also enclosed herewith is a check in the amount of six hundred sixty-five dollars (\$665.00)  
8 as filing fee for a Petition for Revival for an Unintentionally Abandoned Application, as specified  
9 in 37 C.F.R. § 1.17(m) for a small entity. Revival and reconsideration of this application is thus  
10 respectfully requested.

11 Respectfully submitted,

12   
13 Adam H. Jacobs  
14 Registration Nº 37,854  
15 Law Offices of Adam H. Jacobs  
16 1904 Farnam Street, Suite 726  
17 Omaha, Nebraska 68102  
18 Attorney for Petitioner

19 CERTIFICATE OF MAILING

20 I hereby certify that this Petition to Revive an Unintentionally Abandoned Application  
21 pursuant to 37 C.F.R. § 1.137(b) for a TRANSONIC HULL AND HYDROFIELD (PART II), Serial  
22 Nº 09/672,190, was mailed by first class mail, postage prepaid, to the Attention: Office of Petitions,  
23 Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this  
24 20th day of April, 2004.

25   
26 Adam H. Jacobs  
27  
28



APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY DOCKET NO./TITLE

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DATE MAILED:



NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on \_\_\_\_\_ is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☒ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on 1/20/03. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions about this notice to:

Edwin Swinehart, Examining Group 3600